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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,646	08/28/2001	Melba Delaine Self	006910.2500	4509

24735 7590 05/12/2003

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C/O INTELLECTUAL PROPERTY DEPARTMENT  
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WASHINGTON, DC 20004-2400

EXAMINER
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BARFIELD, ANTHONY DERRELL

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 05/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Applicati n N .

09/939,646

Applicant(s)

SELF, MELBA DELAINE *ES*

Examiner

Anthony D Barfield

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-5 and 7-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-2,11,14 are rejected under 35 U.S.C. 102(b) as being anticipated by Keiswetter. Keiswetter shows the use of a chair cover having first and second cover surfaces (22) having a non-elastic flap (24) in order to form a pocket (20).

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Goddard. Goddard shows the use of a chair cover (100,200) having first and second cover surfaces having a non-elastic flap (31,230) in order to form a pocket. The first and second cover surfaces along with a side pocket (80,82) may be disposed within the pocket upon folding and rolling up of the chair cover. Goddard shows all of the teachings of the claimed invention except the use of a corners which are substantially, square corners. Keiswetter shows the use of a chair cover having substantially square corners. It would have been obvious to one of ordinary skill in

Art Unit: 3636

the art at the time of the invention to modify the chair cover of Goddard with square corners as taught by Keiswetter in order to allow for a more uniform fit on a chair.

5. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Duke Jr. et al. Duke Jr. et al shows the use of a chair cover having first and second cover surfaces having a non-elastic flap (17) in order to form a pocket (18). The first and second cover surfaces along with a side pocket (20) may be disposed within the pocket upon folding and rolling up of the chair cover. Duke Jr. et al. shows all of the teachings of the claimed invention except the use of a corners which are substantially, square corners. Keiswetter shows the use of a chair cover having substantially square corners. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the chair cover of Duke Jr. et al. with square corners, as taught by Keiswetter in order to allow for a more uniform fit on a chair.

#### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5 and 7-14 have been considered but are moot in view of the new ground(s) of rejection.


#### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Reference No. 3,504,941 show features of the claimed invention.

Art Unit: 3636

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Barfield whose telephone number is 703-308-2158.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.



Anthony D Barfield  
Primary Examiner  
Art Unit 3636

adb  
May 5, 2003